

PETITION NO: Z-78

HEARING DATE (PC): 08-04-15

HEARING DATE (BOC): 08-18-15

PRESENT ZONING: R-80

PROPOSED ZONING: R-30

PROPOSED USE: Single-Family House

SIZE OF TRACT: 0.809 acre

DISTRICT: 19

LAND LOT(S): 365, 376

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	R-30/Single-family house
SOUTH:	R-80/Single-family house
EAST:	R-30/Single-family house
WEST:	R-30/Single-family houses

OPPOSITION: NO. OPPOSED_____ PETITION NO:_____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED SECONDED

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED **MOTION BY**

REJECTED SECONDED

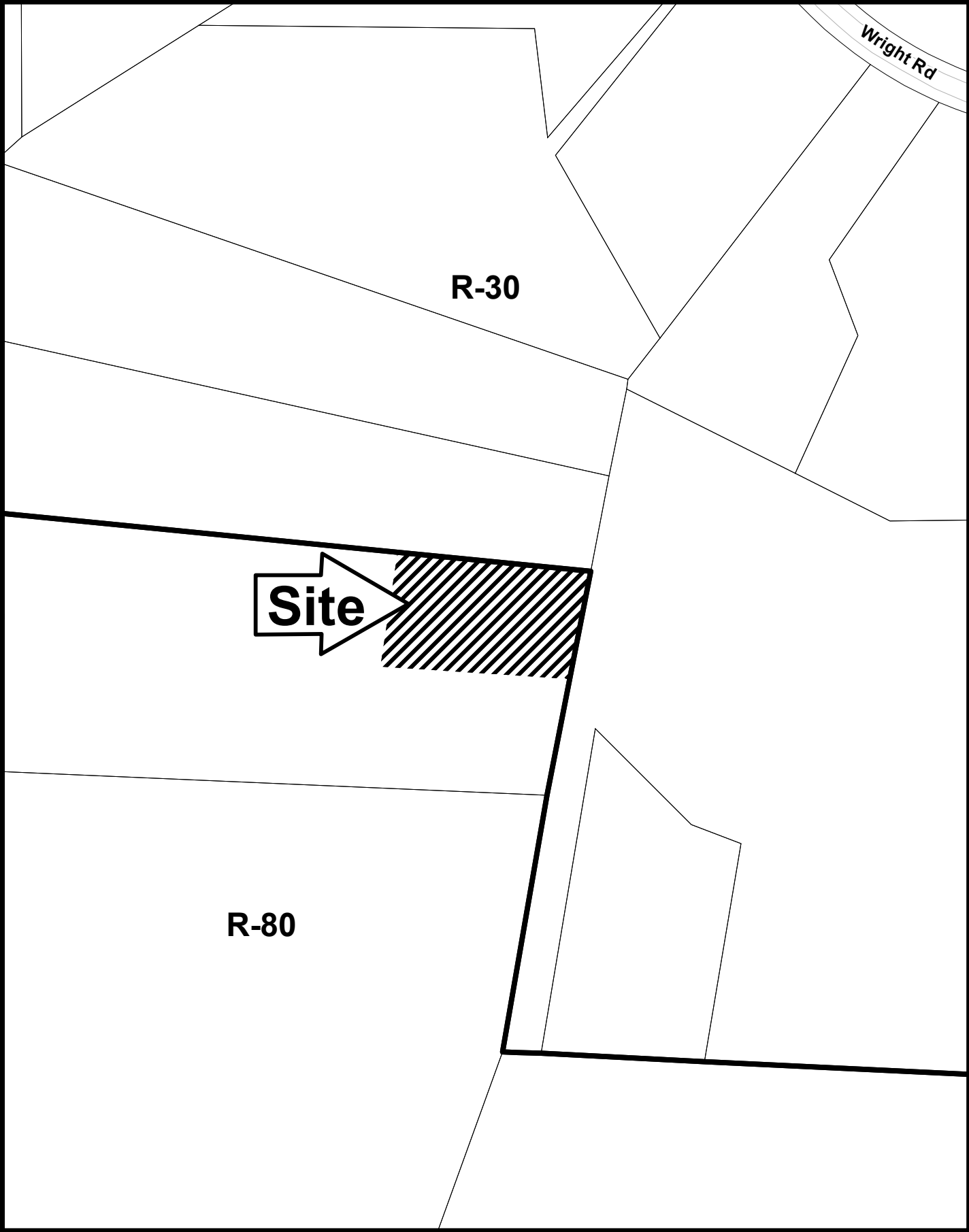
HELD

CARRIED

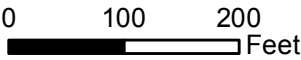
STIPULATIONS:



Z-78



This map is provided for display and planning purposes only. It is not meant to be a legal description.



- City Boundary
- Zoning Boundary

APPLICANT: Frank Ward

PETITION NO.: Z-78

PRESENT ZONING: R-80

PETITION FOR: R-30

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Very Low Density Residential (0-2 units per acre)

Proposed Number of Units: 1 **Overall Density:** 1.23 **Units/Acre**

Staff estimate for allowable # of units: 0 **Units*** **Increase of:** 1 **Units/Lots**
(Proposed lot does not meet current R-80 lot size)

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the R-30 zoning category in order for his son to build a residence on the 0.809-acre (35,247 square feet) tract being taken out of a larger five-acre tract. The applicant lives on the larger tract that is to the south and west of the subject property. The driveway will be relocated as shown on the site plan. The proposed house will be traditional and will size of the house will range from 1,500 square feet to 1,800 square feet. The price of the proposed house will range from \$150,000 to \$200,000. The setbacks for the applicant's property (existing), as well as the proposed new parcel, will be arranged toward the private drive. The existing houses using the private drive were approved in past variance cases. The square footage for lots approved in a variance case are supposed to start at 80,000 square feet, but may be waived down to 40,000 square feet. The proposed lot will not have public road frontage and the proposed lot size is only 35,247 square feet (well over the minimum lot size requirement for the requested R-30).

Cemetery Preservation: No comment.

APPLICANT: Frank Ward

PETITION NO.: Z-78

PRESENT ZONING: R-80

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SCHOOL COMMENTS:

		Capacity	Number of
Name of School	Enrollment	Status	Portable
			Classrooms
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

Additional Comments:

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Frank Ward

PETITION NO.: Z-78

PRESENT ZONING: R-80

PETITION FOR: R-30

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-80 to R-30 for purpose of a single-family house. The 0.809 acre site is located at the northwest intersection of southwest side of Wright Road, east of Poplar Springs Road (5555 Wright Road).

Comprehensive Plan

The parcel is within a Very Low Density Residential (**VLDR**) future land use category, with R-80 zoning designations. The purpose of the VLDR category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre.

Adjacent Future Land Use

North: Very Low Density Residential (**VLDR**)

East: Very Low Density Residential (**VLDR**)

South: Very Low Density Residential (**VLDR**)

West: Very Low Density Residential (**VLDR**)

Master Plan/Corridor Study

N/A

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? ☐ Yes ☒ No

If yes, design guidelines area N/A

Does the current site plan comply with the design requirements? N/A

Incentive Zones

Is the property within an Opportunity Zone? ☐ Yes ☒ No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? ☐ Yes ☒ No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? ☐ Yes ☒ No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Frank Ward

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PRESENT ZONING: R-80

PETITION FOR: R-30

PLANNING COMMENTS: **Continued**

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

☐ Yes ☒ No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

☐ Yes ☒ No

Is this property within the Six Flags Special Service District?

☐ Yes ☒ No

APPLICANT Frank Ward

PETITION NO. Z-078

PRESENT ZONING R-80

PETITION FOR R-30

WATER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☐ Yes ☒ No

Fire Flow Test Required: ☐ Yes ☒ No

Size / Location of Existing Water Main(s): 6" DI / S side of Wright Rd (750' NNE)

Additional Comments: Code 122-221 defines water to be available if within 200'

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☒ No

At Development: ☐ Yes ☒ No

Approximate Distance to Nearest Sewer: 660' W at Powder Springs Creek

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

Treatment Plant: South Cobb

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☒ Yes* ☐ No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: ☐ Yes ☒ No

Letter of Allocation issued: ☐ Yes ☒ No

Septic Tank Recommended by this Department: ☒ Yes ☐ No

Subject to Health Department Approval: ☒ Yes ☐ No

Additional Comments: CCWS recommends allowing on-site wastewater treatment for the single division of the family-owned parcel.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Frank Ward

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Powder Springs Creek FLOOD HAZARD INFO: Zone X

- ☒ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

Location: within and adjacent to floodplain

- ☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- ☐ Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- ☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITIONS

- ☐ Potential or Known drainage problems exist for developments downstream from this site.
- ☐ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☐ Minimize runoff into public roads.
- ☐ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☐ Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☐ Stormwater discharges through an established residential neighborhood downstream.
- ☐ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on _____.

APPLICANT: Frank Ward

PETITION NO.: Z-78

PRESENT ZONING: R-80

PETITION FOR: R-30

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☐ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☐ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown _____
- ☐ Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Site plan must be approved by the Stormwater Management Division prior to issuance of a building permit. An FEMA Elevation Certificate will be required.

APPLICANT: Fred Ward **PETITION NO.:** Z-78

PRESENT ZONING: R-80 **PETITION FOR:** R-30

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Wright Road	N/A	Minor Collector	35 mph	Cobb County	60'

COMMENTS AND OBSERVATIONS

Wright Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-78 FRANK WARD

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in this area are similarly zoned for single-family residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant is proposing one single-family house on a 35,247 square-foot parcel to be created from a larger five-acre tract.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Very Low Density Residential (VLDR) land use category, having densities ranging from 0-2 units per acre.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The existing five-acre tract is owned by the applicant and is accessed by a private easement to Wright Road and the proposed lot for the applicant's son for one single-family house will also be accessed from that easement. Abutting properties to the north are also zoned R-30, as well as properties to the east.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan received June 4, 2015;
- Allow additional 35,247 square-foot lot off private easement from Wright Road;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Application No. Z-78

August 2015

Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 1500 to 1800 SF
b) Proposed building architecture: Traditional
c) Proposed selling prices(s): \$150,000 to \$200,000
d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
b) Proposed building architecture: _____
c) Proposed hours/days of operation: _____
d) List all requested variances: _____

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Part 3. Other Pertinent Information (List or attach additional information if needed)

The purpose of the request for zoning change is so that my son can build a residence on a portion of the 5 acres that I owned. The adjacent property is zoned R-30.

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Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None of the property is owned by the local, State, or Federal Government.